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10/780,087

02/17/2004

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EXAMINER

BEAMER, TEMICA M

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

05/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/780,087 | Applicant(s) STARKS ET AL. | |
| | Examiner TEMICA M. BEAMER | Art Unit 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 26-31, 35 and 37-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 26-31, 35 and 37-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/15/2009 have been fully considered but they are not persuasive. The applicant argues that the specification does provide adequate support for the limitation "directly and not via a controller in the equipment". The examiner, however, disagrees. The applicant pointed to paragraphs 0003, 0012, 0014, 0029, 0033 and 0034 to provide evidence of this limitation. Although these paragraphs do suggest direct communication of the measurement information from a sensor to an external equipment, the "not via a controller in the equipment" limitation is not supported. Therefore, the 112 rejection stands as set forth below. Please note that the rejection mailed 3/26/2008 has also been repeated.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-11, 26-30, 35 and 37-48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1-11, 26-30, 35

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and 37-48 require providing “directly and not via a controller” a measurement.

However, upon review of the specification, this limitation is not described. The applicant is advised to amend the claims to overcome the 112 rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-11 and 26-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Spaur et al (Spaur), EP 1515496 A2.

Regarding claims 1 and 26, Spaur discloses a system for viewing measurements remotely, comprising: a processor that is connected to a first wireless communications device, the processor and the first wireless communications device being external to an equipment; wherein file processor is programmed receive, via the first wireless communications device, at least one measurement from a second wireless communications device connected to_at least one measurement device (col. 6, line 43- col. 7, line 30; figures 1 and 2).

Regarding claim 2, Spaur discloses the system of claim 1, wherein the measurement represents at least one output from a sensor (col. 11, lines 1-5).

Regarding claim 3, Spaur discloses the system of claim 1, further comprising a user interface connected to the processor (col. 3, lines 20-25).

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Regarding claims 4, Spaur discloses the system of claim 1, wherein file processor is further programmed to configure the measurement device (col. 11, lines 1-14).

Regarding claim 5, Spaur discloses the system of claim 1, wherein the processor is further programmed to perform at least one of: displaying data that has been retrieved from the measurement device, analyzing data that has been retrieved from the measurement device, and storing data that has been retrieved from the measurement device (col. 11, lines 1-14).

Regarding claim 6, Spaur discloses the system of claim 1, wherein the processor is included in a computer that is selected from the group consisting of a custom-designed computing device, a desktop personal computer, a laptop personal computer, a handheld computer, and a java-enabled portable computing device (col. 7, lines 8-18).

Regarding claim 7, Spaur discloses the system of claim 1, further comprising a wireless network (col. 7, lines 8-18).

Regarding claim 8, Spaur discloses the system of claim 7, wherein the wireless communications device sends signals to the measurement device via the wireless network (col. 7, lines 8-18).

Regarding claim 9, Spaur discloses the system of claim 7, wherein the measurement device sends signals to the wireless communications device via the wireless network (col. 7, lines 8-18).

Regarding claim 10, Spaur discloses the system of claim 1, wherein the measurement device is selected from the group consisting of a gauge and a transducer (col. 11, lines 1-15, col. 12, lines 4-24).

Regarding claim 11, Spaur discloses the system of claim 1, wherein the wireless communications device is selectively attached to at least one second measurement output device (col. 11, lines 1-15).

Regarding claim 27, Spaur discloses the system of claim 26, wherein the component is a component in a vehicle (col. 11, lines 1-14).

Regarding claim 28, Spaur discloses the system of claim 26, wherein the at least one sensor is a plurality of sensors (col. 11, lines 1-14).

Regarding claim 29, Spaur discloses the system of claim 26, wherein the at least one measurement device is a plurality of measurement devices (col. 11, lines 1-14).

Regarding claim 30, Spaur discloses the system of claim 1, wherein the measurement relates to a component in the equipment (col. 11, lines 1-14).

Regarding claim 31, Spaur discloses the system of claim 1, wherein the equipment is a vehicle (col. 11, lines 1-14).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spaur in view of well-known prior art.

Regarding claims 35 and 37, Gale discloses the system of claims 1 and 26 as described above. Spaur, however, fails to disclose wherein the at least one measurement device is selectively detachably connected to a component in the equipment.

The examiner contends that such a feature is well-known in the art and the examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Spaur with the teachings of well-known prior for the purpose of making the device flexible to the users needs.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TEMICA M. BEAMER whose telephone number is (571)272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Temica M. Beamer/
Primary Examiner, Art Unit 2617